



CP3743  
#4

Patent  
Docket No.: 53634USA8A.002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Thomas I. Insley et al.

Serial No.: 09/099,632  
Filed: June 18, 1998  
For: **MICROCHANNELED  
ACTIVE FLUID HEAT  
EXCHANGER**

Group Art Unit: 3743

Examiner: ---

**FAX RECEIVED**

JUN 16 1999

**Group 3700**

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. §§ 1.97 AND 1.98**

Box Supplemental IDS  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. 1.97 and 1.98, and in accordance with the continuing duty of candor and good faith that is to be demonstrated before the U.S. Patent and Trademark Office, applicants wish to bring to the attention of the Examiner the following:

Prior to the filing of the present application, representatives of 3M held confidential discussions with government officials for the purposes of securing funding.

In early 1996, representatives from 3M held discussions with representatives of a research institution ("Institution A") for participation in an effort to secure government funding. 3M presented a general overview of its capabilities in microreplication technology. 3M also showed Institution A samples of a film it had

Certificate of Mailing

Pursuant to 37 CFR 1.8 I certify that this correspondence is being deposited on the date indicated below with the United States Postal Service as First Class Mail addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

Date:

June 1, 1999

Signature

*Kathleen M. Sandvig*  
Kathleen M. Sandvig

06/11/1999 SDJUNG 00000064 133723 09009632  
01 FC:126 240.00 CH

developed ("Fluid Transport Film"). These disclosures were subject to a confidential disclosure agreement. The parties held additional discussions subject to the confidentiality agreement. Thereafter, the parties entered into a government funded research agreement.

On March 4, 1996, representatives from 3M visited a third party ("Company A"). There was no formal confidentiality agreement in place covering this visit. The purpose of the visit was to determine whether Company A was interested in pursuing a joint research and development effort with 3M in the area of microfluidic devices. 3M envisioned that part of this effort might involve joint applications to government agencies to secure federal funding. At the time the meeting was held, 3M had not prepared samples of plastic microfluid processing architecture-bearing films, nor had 3M designed the tooling needed for preparing such films.

At the meeting, 3M presented a general overview of its capabilities in microreplication technology. 3M also showed Company A samples of a Fluid Transport Film and demonstrated how the film supported fluid transport. The Fluid Transport Film was different from microfluid processing architecture-bearing film. The former did not include one or more fluid-processing structures arranged in a predetermined, self-contained pattern, whereas the latter does. At the conclusion of the meeting, 3M gave Company A samples of the Fluid Transport Film.

3M's next visit to Company A occurred on April 15, 1997. This visit was covered by a formal confidentiality agreement. Again, the purpose of the visit was to gauge Company A's interest in a joint research and development effort with 3M relating to microfluidic devices. At the meeting, 3M reported its progress to date relating to microfluidic devices. By this point in time, 3M had prepared simple microfluid processing architecture-bearing plastic films and demonstrated that they could be used successfully for electro-osmotic switching.

There were additional interactions with Company A prior to the filing date of the 3M patent application, including a visit by Company A to 3M on May 16, 1997, and numerous telephone conferences between 3M and Company A. All interactions were the subject of a formal confidentiality agreement. Again, the purpose of these

activities was to determine whether 3M and Company A could join forces for the purpose of conducting research and development in the area of microfluidic devices.

3M also visited a research institution ("Institution B") on March 24, 1997. The purpose of the visit was to explore the possibility of a joint research and development effort with Institution B relating to microfluidic devices. 3M delivered essentially the same presentation that it gave to Company A. Although there was no formal confidentiality agreement in place governing the disclosure of 3M confidential information, to the best of undersigned's knowledge, both sides understood that any 3M information disclosed to Institution B was to remain confidential.

3M also had several interactions with another company ("Company B"), each of which was for the purpose of gauging Company B's interest in a joint research and development effort with 3M relating to microfluidic devices. 3M first visited Company B in the spring of 1997. This visit was not covered by a formal confidentiality agreement. During the visit, 3M presented a general overview of its capabilities in the areas of microreplication, flexible circuitry, and fluid transport film. Company B then visited 3M on July 23, 1997, and August 11, 1997. Both of these visits were the subject of a formal confidentiality agreement. During these visits, 3M made more detailed presentations similar to the presentation it made to Company A on April 13, 1997.

Beginning in July, 1997, 3M had discussions with a number of additional companies and research institutions as it continued to explore the possibility of a joint research and development effort relating to microfluidic devices. 3M's initial discussions with some of these companies were not covered by a formal confidentiality agreement. Such discussions were limited to a general overview of 3M's capabilities in the areas of microreplication, flexible circuitry, and fluid transport film. To the extent follow-up discussions occurred involving more detailed presentations, such discussions were the subject of formal confidentiality agreements.

Applicants also wish to bring to the attention of the Examiner the following U.S. Patent Application: Serial No. 08/905,481 entitled "Method and Devices for Detecting and Enumerating Microorganisms," filed August 1, 1997, now pending.

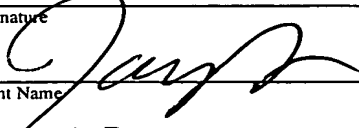
Also, enclosed please find a completed form PTO-1449 citing a reference submitted for consideration during examination of the above-referenced patent application. A copy of the reference cited therein is also enclosed.

If neither a Notice of Allowance nor a final Office Action on the merits has been mailed prior to the Certificate of Mailing date of the instant paper, no fee for this Information Disclosure Statement is required.

However, if a Notice of Allowance under § 1.311 has not been mailed prior to the Certificate of Mailing date of the instant paper, but a first Office Action on the merits has, please charge the fee provided in 37 C.F.R. § 1.17(p) to Deposit Account No. 13-3723. Please also charge any additional fees or credit any overpayment to Deposit Account No. 13-3723. One copy of this sheet marked DUPLICATE is also enclosed.

Respectfully submitted,

Registration Number	Telephone Number
37,228	651/736-9631
Date <u>June 1</u> , 1999	

Signature 
Print Name James A. Rogers

Office of Intellectual Property Counsel  
3M Innovative Properties Company  
P.O. Box 33427  
St. Paul, Minnesota 55133-3427